

ACCESS

Certified Ombudsman shall utilize the following procedure when entering a long-term care facility to identify, investigate and resolve complaint's regarding long-term care residents.

1) FACILITY ACCESS

- a) Certified Ombudsman (paid or volunteer) have the same right of access to long-term care facilities and residents as the State Ombudsman.
- b) Ombudsman shall sign the quest register or notify designated staff of their presence when they are fulfilling their monthly visitation responsibility or responding to a complaint.
- c) Reasonable hours of access are defined to be between 8:00 a.m. and 8:00 p.m., Monday through Sunday. Ombudsman will discuss or make arrangements with facility staff to discuss complaints encounter on their visits.
- d) Entry by Certified Ombudsman between 8:00 p.m. and 8:00 a.m. shall be made after a request is made by the Ombudsman Coordinator and after authorization is received from the State Ombudsman or designated representative.
- e) If a Certified Ombudsman is denied access to a long-term care facility the Ombudsman will relate the incident to the Ombudsman Coordinator. The Coordinator will discuss the issue with the administrator, making reference to the appropriate federal and state regulations granting Certified Ombudsman access to such facilities.
- f) If access to a facility continues to be denied the problem will be referred to the AAA and the State Ombudsman for resolution.

2) RESIDENT ACCESS

- a) The resident has the right to communicate privately or refuse to communicate with a Certified Ombudsman.
- b) The Ombudsman shall knock before entering a resident's room; and shall identify him or herself to the resident.
- c) If denied access to the resident the Certified Ombudsman and/or the Ombudsman Coordinator will discuss with the administration of the facility the applicable federal
- d) If access to a resident continues to be denied the problem will be referred to the AAA and the State Ombudsman for resolution.

3) RECORD ACCESS

The Ombudsman Coordinator and qualified Ombudsman shall have access to the medical or personal records of a resident in a long-term care facility. The following procedure shall be followed to review records:

- a) Authority to review medical or personal records must be obtained by the written consent of the resident or his legal representative.
- b) The Ombudsman shall use the consent form (entitled "Authorization for Release of Confidential Information") to review client records.
- c) The resident may give consent orally if disability prevents written consent. (use the authorization for release of confidential information, which requires a witness).
- d) Cases involving residents who cannot give informed consent and have no legal representative or the legal representative refuses to give consent to review records shall be referred to the appropriate community resource.

